

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT

Robert E. Zorn,	:	
Plaintiff,	:	
	:	
v.	:	File No. 1:05-CV-297
	:	
James D. Brown, Mary K.	:	
Ryan, Estate of Thomas	:	
Ryan,	:	
Defendants.	:	

OPINION AND ORDER
(Papers 67, 68 and 69)

Plaintiff Robert Zorn commenced this action in state court, and subsequently removed the case to federal court. Because the statute authorizing removal of a civil action (28 U.S.C. § 1441(a)) permits removal only by a defendant, the case was remanded to state court. See Shamrock Oil & Gas Corp. v. Sheets, 313 U.S. 100, 105 (1941). After an unsuccessful appeal to the Second Circuit, Zorn now returns to this Court asking that it reopen the case and accept his amended complaint.

The fact remains that this case was improperly removed and has been remanded to state court for further proceedings. The addition of new claims and/or parties does not affect the remand. The case is not properly before this Court, and newly added claims will not be heard.

Moreover, Zorn has been barred from filing any new cases in this Court without obtaining leave to do so. Zorn may not

avoid this order by simply adding onto existing cases. For these reasons, Zorn's motions to reopen the case (Papers 67, 68 and 69) are DENIED.

SO ORDERED.

Dated at Brattleboro, in the District of Vermont, this 13th day of June, 2007.

/s/ J. Garvan Murtha
J. Garvan Murtha
United States District Judge